

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

APPLERA CORPORATION, MDS INC.,	)	
and APPLIED BIOSYSTEMS/MDS SCIEX	)	
INSTRUMENTS,	)	
	)	
Plaintiffs and	)	Civil Action No. 04-1230-GMS
Counter-Defendants,	)	
	)	
v.	)	
	)	
THERMO ELECTRON CORPORATION,	)	
	)	
	)	
Defendant and	)	
Counter-Plaintiff.	)	
	)	
	)	
THERMO FINNIGAN LLC	)	
	)	
Plaintiff and	)	Civil Action No. 05-110-GMS
Counter-Defendant,	)	
	)	
v.	)	(Consolidated)
	)	
APPLERA CORPORATION, MDS, INC.,	)	
and APPLIED BIOSYSTEMS/MDS SCIEX	)	
INSTRUMENTS,	)	
	)	
Defendants and	)	
Counter-Plaintiffs.	)	
	)	

**STIPULATION AS TO CLAIM CHART EXCHANGE**

The parties hereby stipulate, subject to the approval of the Court, to extend the schedule re claim term exchange as follows:

The current deadline for the parties to exchange claim terms and provide proposed constructions is October 5 and the deadline for the follow up met and confer is October 14. The parties have agreed to extend these deadlines to October 14 and October 21, respectively. The reasons are 1) the parties are continuing to work together to determine which claim terms are in

dispute prior to the submission of a joint claim construction chart by the October 28, 2005 deadline, and 2) the October 5 deadline falls on Rosh Hashanah. These extensions will not affect any other dates in the schedule.

YOUNG CONAWAY STARGATT  
& TAYLOR, LLP

  
Josy W. Ingersoll (ID No. 1088)  
Adam W. Poff (ID No. 3990)  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
P.O. Box 391  
Wilmington, DE 19899-0391  
(302) 571-6672  
jingersoll@ycst.com  
*Attorneys for Applera Corporation,  
MDS, Inc., and Applied Biosystems/MDS  
Sciex Instruments*

RICHARDS, LAYTON & FINGER

/s/ Frederick L. Cottrell, III  
Frederick L. Cottrell, III (ID No. 2555)  
Kelly E. Farnan (ID No. 4395)  
One Rodney Square  
920 North King Street  
Wilmington, Delaware 19801  
302-651-7701  
cottrell@rlf.com  
*Attorneys for Thermo Electron Corp.,  
And Thermo Finnigan LLC*

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

U.S.D.J.